

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
JABBAR COLLINS,

**DECLARATION OF
PETER PEARL**

Plaintiff,

-against-

11 Civ. 0766 (FB)(RML)

THE CITY OF NEW YORK, *et al.*

Defendants.

----- X
PETER PEARL declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury,
that the following is true and correct:

1. I am employed as an Assistant District Attorney at the Kings County District Attorney's Office. My assignment within the District Attorney's Office is as Law Librarian.
2. I have held this position at the Kings County District Attorney's Office since 2002.
3. The library at the KCDA maintains DVDs of video-recorded sessions of Continuing Legal Education presentations made by members of the DA's Office staff, along with any handouts from that CLE session. The DVDs are kept in a locked storage room at the rear of the library and only I have a key to access it. Each DVD has an attached check-out card, which staff must sign in my presence in order to receive the DVD.
4. The library also maintains an index of all of the DVDs of CLE presentations that can be checked out from the library. This index is cumulative and updated periodically by myself.

5. The library does not maintain a copy of the sign-in or attendance sheet of any CLE session.
6. Attached as Exhibit 1 is a true and correct copy of an index entitled, "Self-Study DVD Index 2012," as it existed in November 2012. This list represents the final update of available DVDs for the 2012 calendar year. A DVD of a presentation by Lauren Hersh entitled, "Sex Trafficking: What Prosecutors Need to Know" is listed as Self-Study Number #182. *See* Exh. 1 at page 5. There are no other Self-Study DVDs on the index in which former-ADA Lauren Hersh was the instructor. *See generally id.* Thus, Self-Study Number #182 is the only video of a CLE led by ADA Hersh prior to November 2012 that was available in the King County District Attorney library. I provided a copy of this index to Assistant Corporation Counsel Elizabeth Krasnow in or about August 2013 upon her request.
7. Attached as Exhibit 2 is an image of a DVD that is labeled, "CLE 10/25/11 SEX TRAFFICKING L. HERSH #182." The case of the DVD attaches a pocket indicating that it contains a check-out card from the Kings County District Attorney Library. This DVD corresponds to the entry for Self-Study Number #182 on page 5 of Exhibit 1 and reflects that the subject CLE lecture took place on October 25, 2011.
8. Attached as Exhibit 3 is a true and correct copy of the check-out card for the October 25, 2011 CLE on sex trafficking led by Lauren Hersh. The card reflects that the DVD has never been checked out by an employee of the District Attorney's Office. I provided the DVD to Assistant Corporation Counsel Elizabeth Krasnow in or about August 2013 upon her request.

9. Attached as Exhibit 4 is a true and correct copy of the hand-out that corresponds to “Self-Study DVD Index #182 Sex Trafficking: What Prosecutors Need to Know.” I also provided a copy of this handout to Assistant Corporation Counsel Elizabeth Krasnow in or about August 2013.
10. The only DVD of a CLE presentation led by former ADA Lauren Hersh that has been in the library’s collection is the one labeled Self-Study #182, which is a DVD of the October 25, 2011 CLE presentation entitled, “Sex Trafficking: What Prosecutors Need to Know.” I am not aware of the existence of any other DVDs of a CLE presentation led by Ms. Hersh.
11. I declare under penalty of perjury that the foregoing is true and correct. Executed in Brooklyn, New York, on May 8, 2014.

A handwritten signature in cursive script, reading "Peter N. Pearl", written over a horizontal line.

PETER N. PEARL

Exhibit 1

SELF-STUDY DVD INDEX 2012

SELF-STUDY NUMBER	TITLE OF COURSE	CREDIT BREAK DOWN	TOTAL CLE CREDITS	INSTRUCTORS
#101	Immigration Status & its Effects on Victims	PM = 1 PP = 1	2.0	Kin Ng
#102	Ethical Cross-Examination	E = 1.5	1.5	Jane Meyers
#103	New Developments in the Law of Ethical Summations	E = 1.0	1.0	Anthea Bruffee Sholom Twersky
#104	Recent Developments in Search & Seizure Law	S = 1.0	1.0	Kin Ng
#105	Federal Firearms Training (Non-Transitional)	Skills = 1.5	1.5	Kin Ng
#106	Understanding Mitochondrial DNA	PP = 1	1.0	Kin Ng
#107	Summations: Vehicular Homicides	S = 1	1.0	Carol Moran
#108	GJ Training: Search Warrant Cases	S = 0.5 PP = 0.5	1.0	Barry Aaron
#109	Ethical Summations	E = 1	1.0	Jane Meyers Anthea Bruffee Sholom Twersky
#110	GJ Training: Gun & Assault Cases	S = 2 PP = 1	3	Sue-Ellen Bienenfeld
#111	Domestic Violence in the Jewish Community: The Intersection of Jewish & Secular Law	PP = 2	2.0	Kin Ng
#112	GJ Training: DWIs & 511s	S = 1 PP = 0.5	1.5	Craig Esswein
#113	Robbery, Burglary & Identification Issues	S = 1 PP = 1	2	Frances Weiner
#114	Ethical Practices for the Modern Prosecutor	E = 2.0	2.0	Kin Ng
#115	Immigration Law, Civil Orders of Protection & Cultural Dynamics for Immigrant Victims of Domestic Violence	E = 1 PP = 1	2.0	Kin Ng

SELF-STUDY NUMBER	TITLE OF COURSE	CREDIT BREAK DOWN	TOTAL CLE CREDITS	INSTRUCTORS
#116	Lethal Weapon: Voir Dire in Homicide Cases, Opening Statements in Vehicular Homicide Cases	S = 0.5 PP = 0.5	1.0	Kin Ng
#117	Cultural Competency in Domestic Violence	S = 1 PP = 0.5	1.5	Kin Ng
#118	A Practical Knowledge of the State Prison System for the Court Practitioner	S = 2	2.0	Kin Ng
#119	Presentation on Lawyers Assistance Trust	E = 1.5	1.5	Kin Ng
#121	Investigation & Prosecuting Cybercrimes	E = 0.5 S = 0.5 PM = 1 PP = 1	3.0	Julie Schwartz Adam Zion
#122	Ethical Issues in Police Prosecution	E = 1.5	1.5	Charles Guria
#123	Introduction to Bail Forfeiture and Restitution	S = 1.0	1.0	Joseph McCarthy Michael Morelli
#124	Forensic Science Series: Effective Use of Courtroom Technology & Overcoming Your Tech Fears, Real & Imagined	PM = 1.0 E = 0.5 PP = 1.0	2.5	Kyle Reeves
#125	Extreme Emotional Disturbance	E = 0.5 PP = 1.0	1.5	Cynthia Lynch
#126	Animal Cruelty & Interpersonal Violence: Making the Connections	E = 0.5 PP = 1	1.5	Carol Moran
#127	Elder Abuse & Animal Cruelty	S = 1.0	1.0	Arlene Markarian
#128	Human Sexual Relationships with Animals	PP = 1.0	1.0	Ama Dwimoh Carol Moran
#129	Religious Rites & Animal Rights	E = 1.0	1.0	Carol Moran
#130	Limits of the Law: Failure to Treat or Euthanize	E = 1.0	1.0	Carol Moran

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SELF-STUDY NUMBER	TITLE OF COURSE	CREDIT BREAK DOWN	TOTAL CLE CREDITS	INSTRUCTORS
#131	Making the Case: Investigation & Prosecution of Animal Cruelty & Neglect	S = 1	1.0	Carol Moran
#132	Jury Selection	S = 2	2.0	Kin Ng
#133	DWI Trial Training	S = 1	1.0	Craig Esswein
#134	Crawford v. Washington: What Every ADA Needs to Know	S = 1.5	1.5	Victor Barall Ann Bordley Thomas Burka
#135	Human Trafficking & Exploitation	S = 1 PP = 1	2.0	Kin Ng
#136	Narcotics Grand Jury Training: Presentation of Buy & Bust Cases	E = 0.5 S = 0.5 PP = 0.5	1.5	Kin Ng
#137	Narcotics Grand Jury Training: Observation Sale Cases	S = 0.5 PP = 1	1.5	Kin Ng
#138	Trying DWI Cases from the Defense Point of View	S = 1	1.0	Kin Ng
#139				
#140	Presenting DNA Cases In The Grand Jury	S = 1.0 PP = 0.5	1.5	Rachel Schmidt
#141	Trying the DWI Case: Understanding the Intoxilizer 5000 & Toxicology	S = 2	2.0	Kin Ng
#142	Misdemeanor Sex Crimes/Child Abuse Cases in the Zones	S = 1	1.0	Maria Cienava Miss Gregory Jacqueline Kagan
#143	Riding: Taking Statements	S = 1.5	1.5	John O'Mara
#144	Grand Jury Training: Presenting Search Warrant Cases – Part II	S = 0.5 PP = 0.5	1.0	Kin Ng
#145	C.P.L. § 30.30	PP = 2	2.0	Lenny Joblove
#146	Prosecutorial Ethics: Do's and Don'ts	E = 1 S = 0.5	1.5	Charles Guria
#147	Conflicts of Interest Training "What Every ADA Should Know About Conflict of Interests Law"	E = 2	2.0	Kin Ng
#148	Accident Reconstruction – Part I	S = 2	2.0	Kin Ng

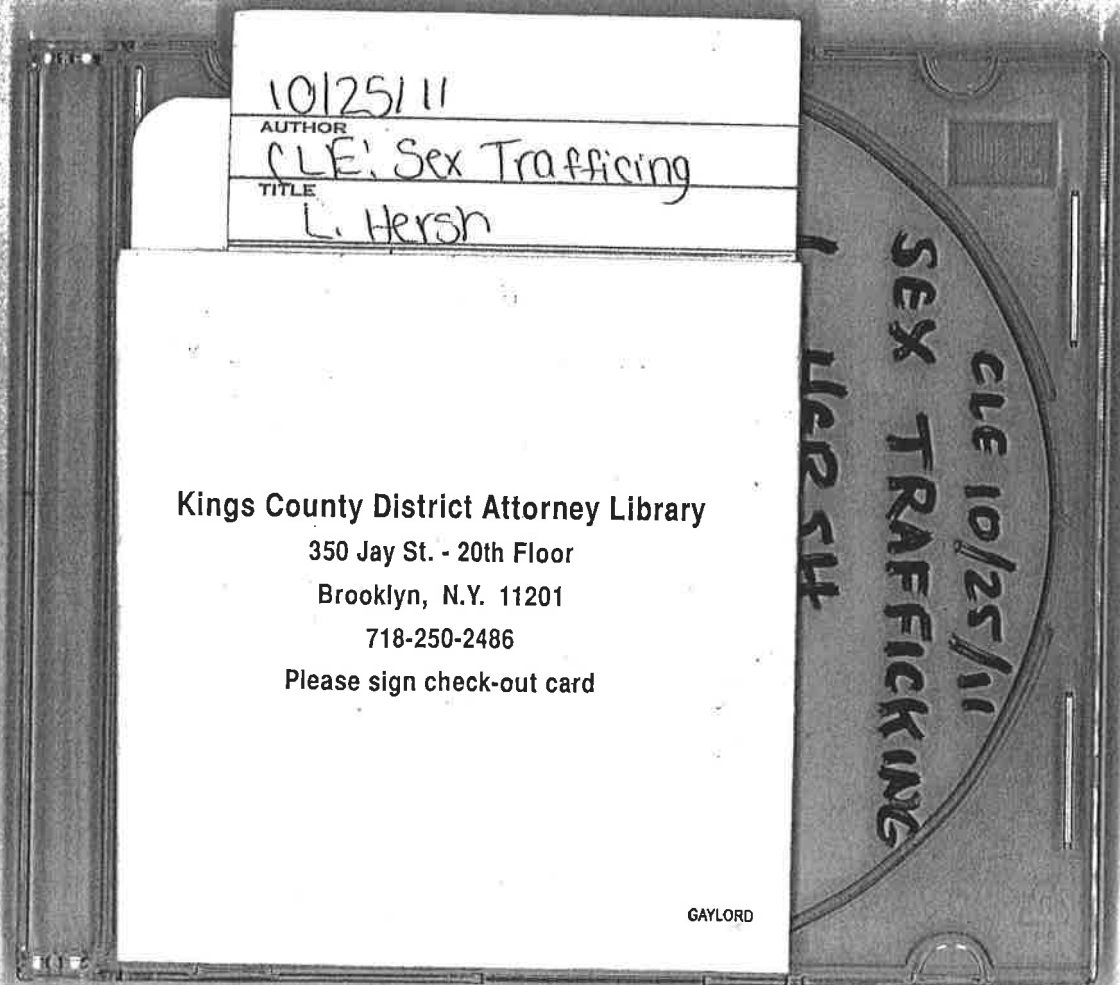
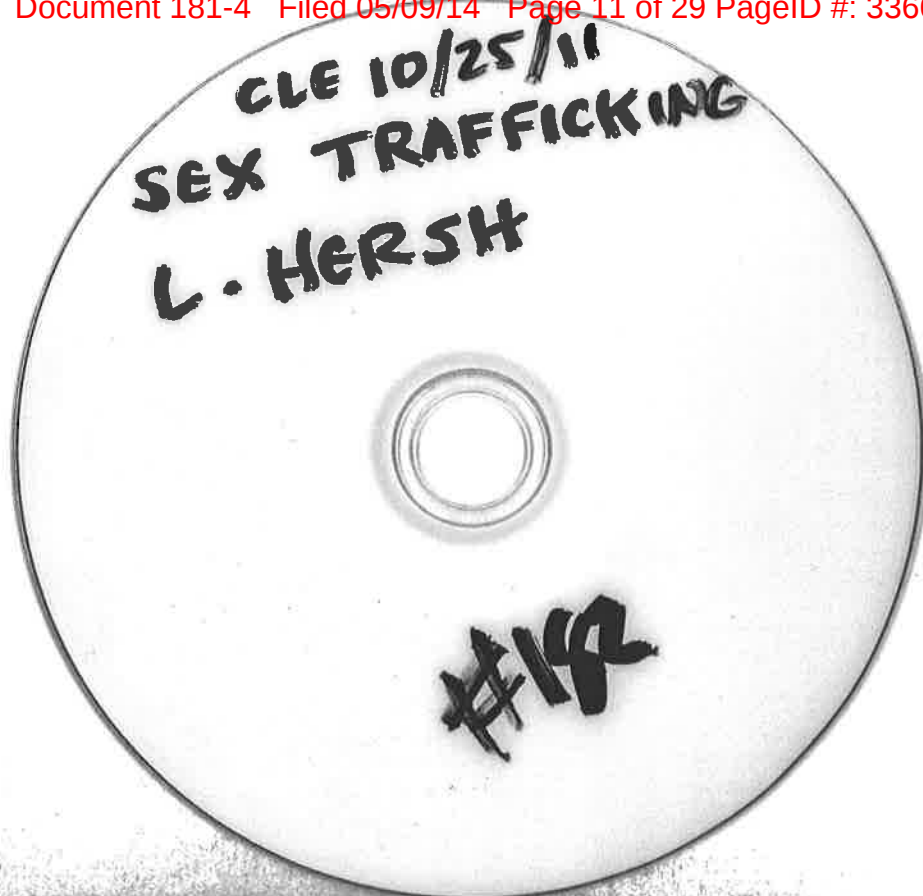
SELF-STUDY NUMBER	TITLE OF COURSE	CREDIT BREAK DOWN	TOTAL CLE CREDITS	INSTRUCTORS
#149	Accident Reconstruction – Part II	S = 1	1.0	Kin Ng
#150	Immigration Remedies For Immigrant Victims of D.V.: U Visas	S = 1 PP = 1	2.0	Kin Ng
#151	Dealing With Eyewitness Identification Experts	S = 1.0 PP = 0.5	1.5	Kyle Reeves
#152	Science/Crime Laboratories: Part I – NYPD Firearms Analysis Section	S = 1.0	1.0	Robert Walsh
#153	Introduction to Rebutting Psychiatric Defenses	S = 1.0 PP = 0.5	1.5	Kyle Reeves
#154	Dealing with False Confession Experts	S = 1.0 PP = 0.5	1.5	Kyle Reeves
#155	Introduction to Search Warrants Part I	E = 0.5 PP = 1.5	2.0	Suzanne Corhan Lawrence Oh
#156	Introduction to Search Warrants Part II	S = 1.0 E = 0.5	1.5	Suzanne Corhan Lawrence Oh
#157	Introduction to Search Warrants Part III	S = 2.0	2.0	Suzanne Corhan Lawrence Oh
#158	Special Investigations Unit: Crime Scene Reconstruction	S = 1.0	1.0	Kin Ng
#159	Jury Selection: Helpful Hints & Practical Ideas	S = 1.5	1.5	Kyle Reeves
#160	Introduction to the NYPD Procedures	PP = 1.0	1.0	Kin Ng
#161	Narcotics	S = 1.0	1.0	Eric Sonnenschein
#162	Search & Seizure	PP = 2.0	2.0	Lenny Joblove
#163	Brady Law	E = 1.0	1.0	Victor Barall
#164	Taking Defendant's Statements	S = 1.0	1.0	Deirdre Bialo-Padin
#165	Rosario	E = 1.0	1.0	Sholom Twersky
#166	Arraignments & Eve Project	S = 2.0	2.0	Gerianne Abriano Wilfredo Cotto
#167	Prosecuting Sex Crimes Cases	PP = 1.0	1.0	Miss Gregory
#168	Asset Forfeiture	PP = 1.0 S = 0.5	1.5	Joseph McCarthy
#169	DWI & VTL 511	PP = 1.5 S = 1.5	3.0	Jennifer Nocella
#170	Dunaway/Huntley	S = 1.0	1.0	Renee Gregory

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SELF-STUDY NUMBER	TITLE OF COURSE	CREDIT BREAK DOWN	TOTAL CLE CREDITS	INSTRUCTORS
#171A #171B	G.J. Organization & Structure (Both DVDs 171A & 171B must be watched to receive credit)	PP = 2.0 PM = 2.0	4.0	Sue-Ellen Bienfeld
#172	G.J. Training: Presentation of CPW Cases	PP = 1.0 S = 1.0	2.0	Anthony Catalano
#173	Anatomy of a Case	S = 1.5 PP = 1.0 PM = 1.0	3.5	David Klestzick
#174	DNA GJ Training	S = 1.5 PP = .5	2.0	Rachel Schmidt
#175	Money Laundering & Revenue Crimes	S = 1.0 PP = 0.5	1.5	Joseph McCarthy Michael Morelli Robert Renzulli
#176	Cross-Examination Crime Prevention Div./SAB	S = 1.0	1.0	Colleen Babb
#177	Recent Updates in Search & Seizure Law	PP = 1.0	1.0	Kin Ng
#178	Forfeiture by Wrongdoing: Sirosis Hearings in DV Cases	E = 0.5 PP = 0.5	1.0	Michelle Kaminsky
#179	Working Effectively with LGBTQ Witnesses	E = 2.0	2.0	Mark Fliedner
#180	Courthouse Dogs: Improving the Investigation & Prosecution of Cases	S = 0.5 PP = 0.5 PM = 0.5	1.5	Carol Moran
#181	Summations	S = 1.0	1.0	Mark Hale
#182	Sex Trafficking: What Prosecutors Need to Know	E = 0.5 PP = 1.0	1.5	Lauren Hersh
#183	Engaging Young Male Victims of Color	E = 0.5 S = 0.5	1.0	Sara McGrath
#184	False Confessions	PP = 1.5	1.5	Kyle Reeves
#185	Riding: Defendant Statements – Part I	PP = 1.5	1.5	John O'Mara
#186	Riding: Defendant Statements – Part II	S = 1.0 PP = 0.5	1.5	John O'Mara
#187	Riding: Basic Policies, Procedures, Paperwork, etc. – Part II	S = 1.0 PP = 1.0	2.0	Anthony Catalano Jennifer Sipress
#188	Sentencing: An Overview	PP = 1.5	1.5	Kin Ng
#189	Breaking the Cycle: A Closer Look at Female Defendants with Children	E = 1.0 S = 0.5	1.5	Teresa Fabi

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Exhibit 2



GAYLORD

Exhibit 3

Exhibit 4

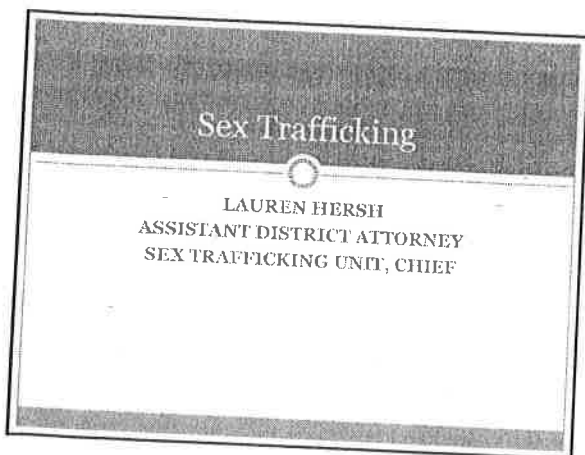
**SELF-STUDY DVD
INDEX #182**

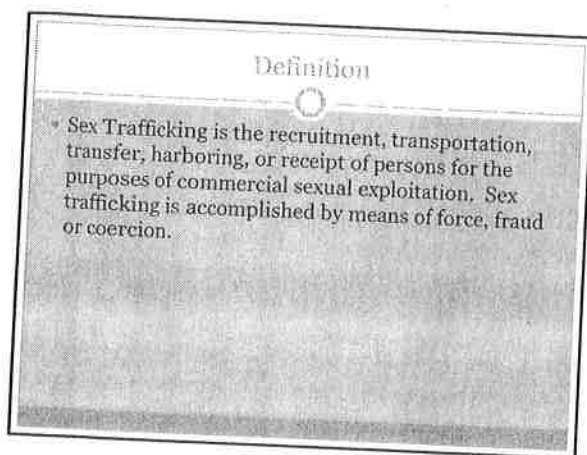
**SEX TRAFFICKING:
WHAT PROSECUTORS
NEED TO KNOW**

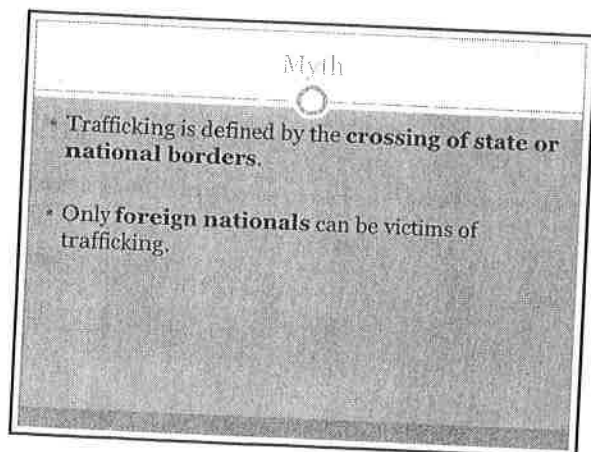
CREDITS = 1.5

E = 0.5

PP = 1.0








Sex Trafficking NY PL §230.34(1)

- 1. Providing a drug to impair victim's judgment
- i.e. ecstasy, marijuana, cocaine, crack
- Purpose: to get them addicted, create a dependency



Sex Trafficking NY PL §230.34(2)


- 2. Making false statements or omissions;

Examples:

- I could help you become a model
- We need to take some pictures
- Your advertising has cost me money
- I can give you a free place to stay

Sex Trafficking NY PL §230.34(3)

- 3. Withholding or destroying ID;
- i.e. passport, immigration document, or any other government ID



Sex Trafficking NY PL §230.34(4)

4. Requiring prostitution to pay off real or purported debt;

Examples:

- You owe me for rent and the food I gave you
- You made me lose money
- You owe me for saving you
- You owe me for your advertising fees

Sex Trafficking NY PL §230.34(5)

5. Using force or plan/pattern to instill fear that trafficker will:

- a. cause physical injury or death; or
- b. cause property damage; or
- c. commit felony criminal imprisonment; or
- d. accuse another person of a crime or cause deportation; or
- e. expose public health causing hatred, scorn, or ridicule; or
- f. testify, provide, or withhold truth regarding a legal claim/defense;
- g.
- h. use or abuse power/fault sexual, or adversely affect a person; or
- i. commit non-related to their health/safety/migration status.

The Law: In Practice

Identifying Sex Trafficking Victims

- Signs of physical abuse: unexplained bruises, black eyes, cuts or marks
- Behavioral signs: fear, anxiety, depression, paranoia
- SECRETIVE
- Truancy from school
- Repeated phone calls from an adult boyfriend
- Uses lingo or slang from "the life"
- Presence of branding (i.e. tattoo)

Take A Look At The Victim

- Victims can be anyone, anywhere, in any neighborhood

Victims of their own emotions

Removes moved into the life

Little to no family life

VULNERABLE



Making of a Girl



How Do We Deal with Victims?

- Sex Trafficking Unit Approach:

- Build Trust, then
- Leave the Truth

Building Trust

- Build a rapport with the victim. Ask, "How can I help you?"
- Make the victim comfortable before confronting issues
- Provide Services
 - Clothes
 - Necessities
 - "What do YOU need?"
- Reassure the victim that you are there to help

Interview Techniques

- Don't interview the victim armed or in uniform
- When possible, interview one-on-one
- Avoid derogatory labels like "prostitute" and "delinquent"
- Don't make promises
- If possible, don't interview victim at the precinct

Questions to Ask DV Victims:

- Have you ever been forced to work?
- Did anyone take your money?
- What would have happened if you did not give the person your money?
- What did you fear would happen if you left?
- Were you ever forced to do something sexual for your abuser or someone else?
- Have you ever been involved in commercial sex?
- Did you know others in the same kind of situation you were in?
- Were you able to keep your identification documents with you, or did someone take them from you?

Learning The Truth

- Separate the victim from his/her trafficker before questioning begins
- Use informal conversation
- Remember most victims do not self-identify as "trafficking victims"
- Victims may often tell the false story they've been coached to give; it often takes 3-5 encounters before the true story may emerge
- Avoid pity, judgment, patronization, and victim-blaming attitudes or body language
- Allow victim to set length and pace
- Watch for and respond to nonverbal cues

Message To Convey

- We are here to help you
- Our **first** priority is your safety- RELOCATION
- We will give you the medical care you need
- We want to make sure this doesn't happen to anyone else
- You are entitled to assistance and we can help you get it

Challenges We Face

- Victim is physically and/or psychologically controlled by pimps
- Trained by pimps to tell lies and false stories
- Victims' distrust of service providers and law enforcement
- Stockholm Syndrome
- Technology can help disguise the true age
- Easy to obtain fake ID's
- Frequently moved from place to place



Although they don't have to be

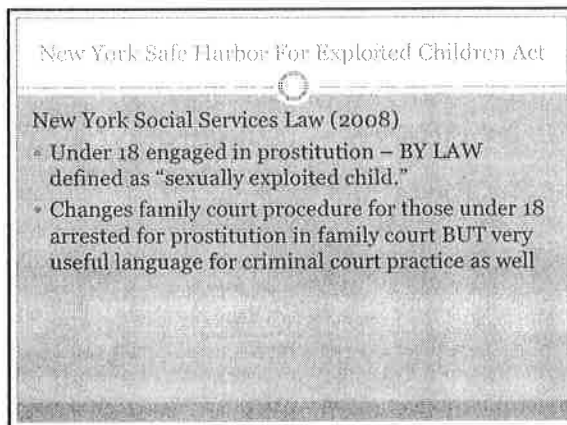
"Stockholm Syndrome"

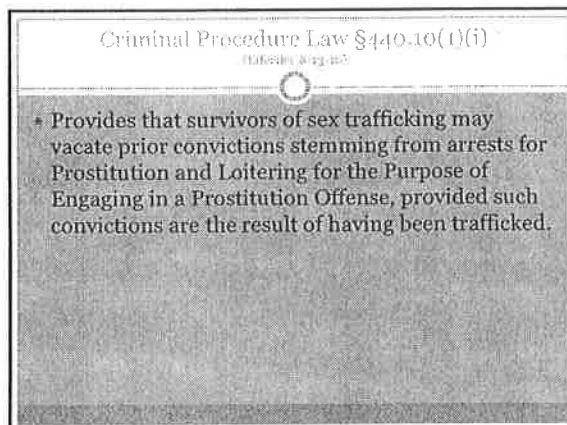
- Definition: paradoxical psychological phenomenon where hostages express empathy and have a connection to their captor
- While seemingly irrational in light of the danger posed to victims, this phenomenon is also common with victims of Sex Trafficking who are linked to their traffickers through "trauma bonds"

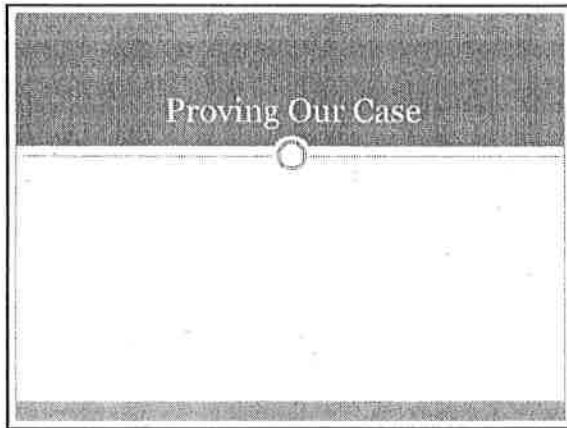
What happens when we arrest victims?

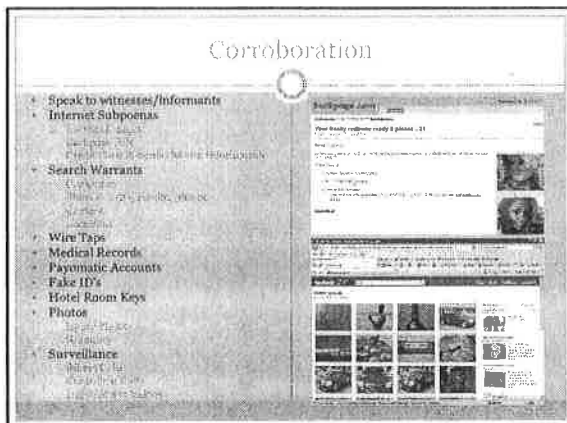
- There are ethical dilemmas posed when victims are arrested for prostitution

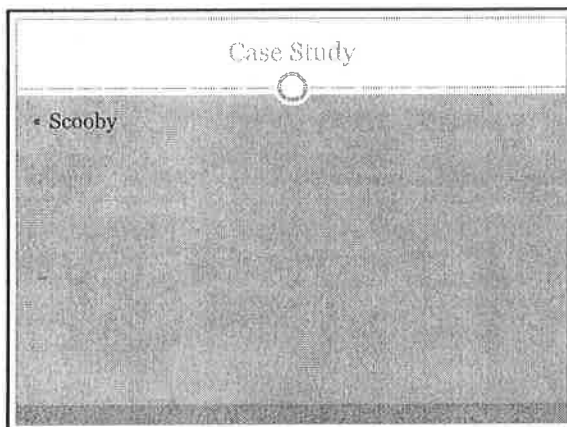


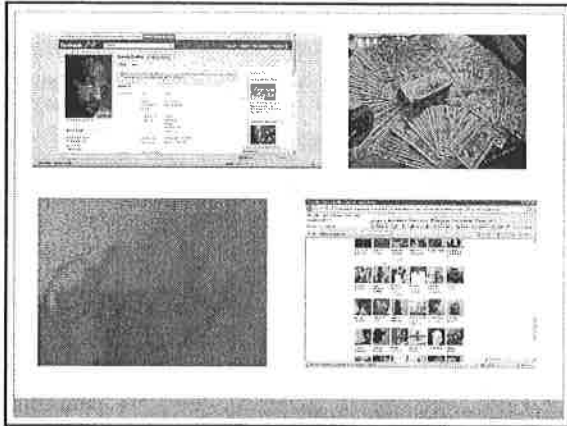












Riker's Calls

- Trafficking from within
- Admissions by defendants
- Other crimes committed
- Threats made to victims
- Connections to other defendants

Riker's Call 1

-Defendant: Like, I, I saw my thing, you know what I mean? I used to bust my gun. I used to rob niggas, and you know what I mean? After I got shot, I stopped doing all that bull shit, you know what I mean?

-Friend: Right.

-Defendant: So, I picked up a new trade, like you know what I mean.

-Friend: Right, but it still was a hood trade. So.


-Defendant: It's... It's not a hood trade.

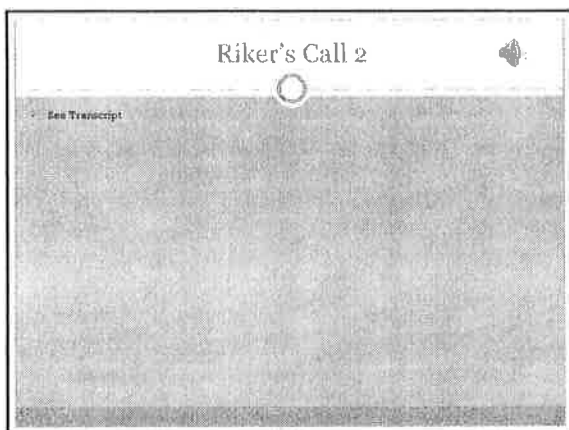
-Friend: It is. I'm sayin' it might not be a hood trade because it's worldwide.. like, you know how it's.

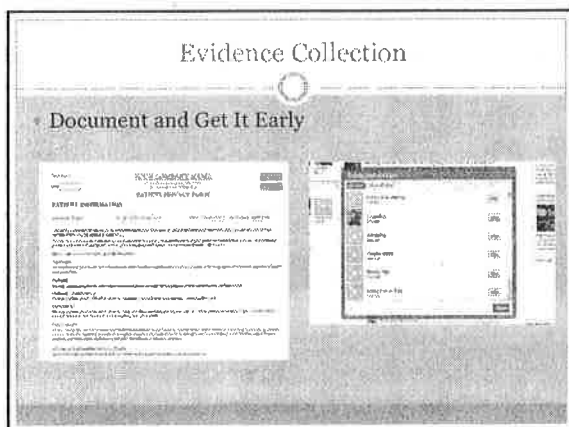
-Defendant: Yea.

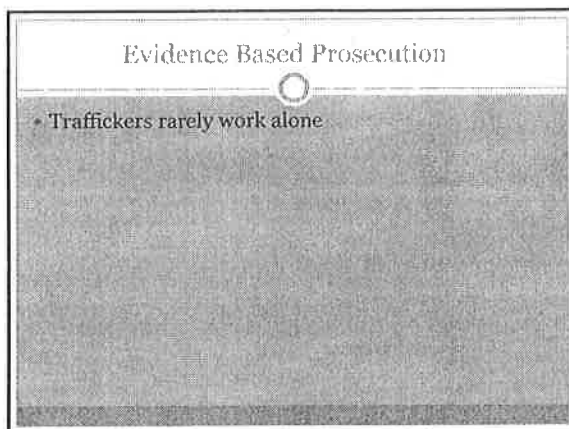
-Friend: I'm talkin' about the mentality of it.

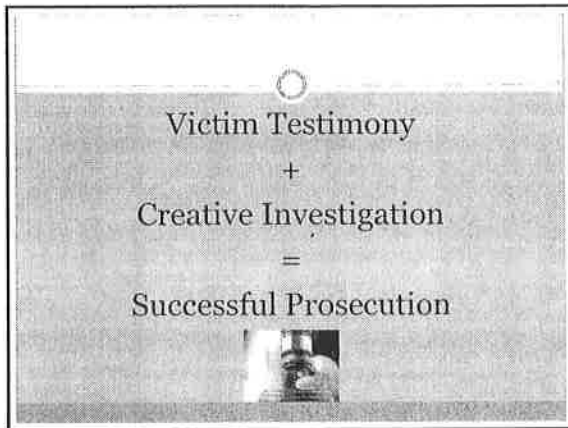
-Defendant: This been around before any... This is the first job ever created right here, like. (laughs)

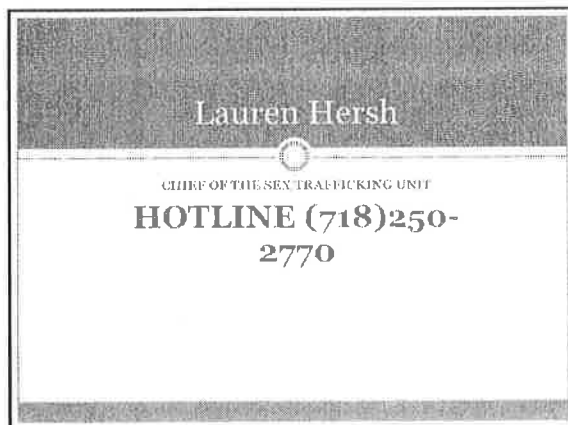












Riker's Call 2:

Friend: Yea, I bumped into Humble and shit.

Defendant: What are you talking about?

F: Humble send his love and shit. We gonna try to, ya know, open up shop right now. I told him Imma get wit him. Try to open something up. May be like next week.

D: Open up where?

F: In my neighborhood. At my Ma crib.

D: Who crib?

F: At my crib...at Van Siclin.

D: Yea, that'll be a good look son. You heard?

F: Yea.

D: I just. I just. Remember we was talking about that man.

F: Right right.

D: You heard. Plus, you know that lady? We cool with that lady in the liquor store you heard me?

F: Right.

D: So she could give us a bottle or two, you know what I'm saying?

F: Right. Right.

D: As long as we be buying mad shit she gone give us something, you understand what I'm saying?

F: You already know. I was already thinking about all that. You know what I mean? And I already cleaned up the whole crib, like, everything is in that one room. The beds. I broke the beds down, know what I mean, I got um, I put all the beds, all the beds in the room in the corner. Took the beds in the corner. So the whole crib is cleaned up son.

D: mm... You don't need the whole crib cleaned out. Back there where the front window at? Right.

F: Nobody should be back there.

D: Nobody. Nobody should be back there. You understand what I'm saying?

F: mmm hmm

D: Everybody should come in right there where the first door at and go straight to the back. Where the kitchen and the bathroom at.

F: Right. Right.

D: You know what I'm saying?

F: Yea.

D: Not one nigga by that bathroom and one nigga by that kitchen that shit is the VIPs is at. See what I'm sayin? And plus you, you still got that back room to do that one VIP like, you understand what I'm sayin?

F: Right. Right.

D: So, you can get that shit percolated. Call that nigga Sleepy. You got Sleepy number, right?

F: Yea, I got Sleepy number.

D: Call that--

F: I got Sleepy number, I got, I can start go'in to all the other spots (inaudible) you know what I mean?

D: All you gotta do is call Sleepy and tell Sleepy to promote that thing you understand what I'm saying?

F: Yea.

D: And you know, let him know what its for (inaudible) for rail money, listen I'm try'in to get rail money, wah, wah, wah...

F: Alright.

D: Go to that nigga Heaven house try to get cool with him. Maybe kill him for a bitch.

F: Kill him for a bitch to or two.

D: Shit.

F: Speaking that shit. Humble like we only need five bitches to set up shop. Shit. Alright nigga we good.

D: Shit.

F: I don't know when (inaudible) we start it, but we need to start it now.

D: Word.

F: While it's still cold.

D: that time right here, son.

F: Yea, it is son. Yes, son.

D: And just Humble ain't gonna be able to do it cuz Humble in that shit.

F: Right.

D: You see what I'm sayin.

F: Right.

D: Right. But you can do the damn thing man. You don't need nothing. You don't need noth'in nobody but the promoter nigga huhuh.

F: Yup. Pretty much.

D: You know Humble gonna do his little texting?. You gonna do your texting.

F: mm hmmm

D: sleepy (inaudible) gonna do his texting.

F: Right.

D: Now it's gonna see who who it come down to. When it come down to it you gonna see. Sleepy, Sleepy gonna have some clientele and

F: right

D: you know what I mean? Your people is gonna come. Humble people gonna come. You know what I'm sayin?

F: yea.

D: You gonna see how it is then. You heard?

F: Yea from the first night. That's how we do. This nigga is making the move and shit. Man son. Aww man. I'm just. I can't wait for you to come home son. Cuz a whole new different shit gotta start.